

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

NEAL D. SECREASE, JR.,)	
)	
Plaintiff,)	
)	
v.)	Civil Case No. 1:14-cv-0955-JMS-TAB
)	
WESTERN & SOUTHERN LIFE INS. CO.,)	
et al.,)	
)	
Defendants.)	

**RESPONSE TO PLAINTIFF’S STATEMENT IN SUPPORT OF NO INTENT TO
COMMIT FRAUD BY NEAL D. SECREASE, JR.**

Plaintiff’s Statement in Support of No Intent to Commit Fraud by Neal D. Secrease, Jr. (“Post Hearing Brief”) is not factually accurate in its description of the undersigned counsel’s conversation with Plaintiff Neal Secrease after the hearing on December 17, 2014. Accordingly, Western & Southern files this brief Response to address that misrepresentation.

Secrease stated in his Post Hearing Brief that after the December 17 hearing, the undersigned counsel “offered to [him] what was said to be a ‘get out of jail free card’ in return for [his] withdrawal of [the] complaint against [Western & Southern].” [Dkt. 29, p. 6.] That is not accurate.

After the December 17 hearing and during a telephone call the next day, the undersigned counsel explained to Secrease that Western & Southern would seek two types of sanctions for his fraud on the Court: (1) the dismissal of his remaining claim; and (2) an award of attorney’s fees and costs to Western & Southern for having to litigate this issue. The undersigned counsel also suggested that a possible way to limit Secrease’s exposure for his fraud is to dismiss his

remaining claim. However, the undersigned counsel emphasized that he had no authority from Western & Southern to explore such a resolution, and he had no control over how the Court would want to proceed with regard to the fraud issue. In other words, no “get out of jail free card” offer (or any other offer) was made to Secrease. A copy of defense counsel’s December 18 letter confirming all of this is attached as Exhibit 1.

Respectfully submitted,

BARNES & THORNBURG LLP
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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2015, a copy of the foregoing was filed electronically. Additionally, a copy of the foregoing was sent to the following *pro se* Plaintiff by depositing same in the United States mail, first class, postage prepaid:

Neal D. Secrease, Jr.
5589 S. 350E.
Cutler, IN 46920

/s/ Michael P. Palmer